

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IVORY N., a minor, by and through her  
mother and Guardian ad Litem, Z.F., and  
JAMES B., a minor, by and through his  
mother and Guardian ad Litem, A.B.,

Plaintiffs,

v.

JENNIFER KENT, Director of the  
Department of Health Care Services, and  
STATE OF CALIFORNIA DEPARTMENT  
OF HEALTH CARE SERVICES,

Defendants.

No. C 18-03099 WHA

**ORDER RE MOTIONS TO  
PROCEED UNDER  
FICTITIOUS NAMES AND TO  
FILE UNDER SEAL**

In this putative class action brought under the Medicaid Act, the Americans with Disabilities Act, and other statutes, plaintiffs request that they and their *guardians ad litem* be permitted to proceed under fictitious names and move to seal in part certain related documents (Dkt. Nos. 3, 9).

There is a strong public policy in favor of openness of our court system, and the public is entitled to know to whom we are providing relief. *See Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006). Parties may proceed under fictitious names, however, if anonymity is necessary “to preserve privacy in a matter of a sensitive and highly personal nature.” *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000) (citation omitted). A party requesting to remain anonymous must make an affirmative

1 showing that the party's need for anonymity outweighs prejudice to the opposing party and the  
2 public's interest in knowing the party's identity. *Ibid.*

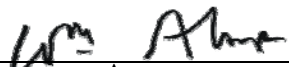
3 This litigation involves plaintiffs' right to access medically necessary in-home nursing  
4 services. Plaintiffs accordingly assert they will be required to present medical records  
5 regarding their disabilities, health histories, and treatments, the disclosure of which could  
6 stigmatize or embarrass plaintiffs or place them at risk of harassment. Plaintiffs further  
7 contend that because their guardians in this action are their parents, the disclosure of their  
8 guardians' identities would in effect reveal their own identities.

9 Given the sensitive nature of the subject matter of these proceedings and that plaintiffs  
10 are minors, for the time being plaintiffs' motion to proceed using fictitious names is **GRANTED**  
11 **IN PART AND DENIED IN PART**. FRCP 5.2(a)(3) already restricts the names of minor  
12 individuals to their actual initials. Plaintiffs may proceed under that rule or may proceed using  
13 their real first name followed by the initial of their last name. Plaintiffs' guardians, moreover,  
14 may not proceed pursuant to their proposed pseudonyms. Instead, plaintiffs' guardians may  
15 also proceed under their first name followed by the initial of their last name. In future filings,  
16 plaintiffs shall revise the case caption so that it is in accordance with this order. The  
17 undersigned judge will revisit this determination if, as the action proceeds, it becomes clear  
18 that plaintiffs' need for anonymity no longer outweighs the public's interest in knowing their  
19 identities.

20 Plaintiffs' motion to file under seal is accordingly **GRANTED IN PART AND DENIED IN**  
21 **PART**. Plaintiffs' request to seal their actual names and their guardians' last names is  
22 **GRANTED**. Plaintiffs' request to seal the first names of their guardians is **DENIED**. Plaintiffs  
23 shall file a revised redacted version of the relevant documents by **JULY 13**.

24  
25 **IT IS SO ORDERED.**

26  
27 Dated: July 6, 2018.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE